Appendix A.

Muskogee, Oklahoma,
September 22, 1931.

Mr. Daniel Stratton,
Attorney at Law,
Neosho, Missouri.

Dear Sir: Replying to your letter of the 19th inst. with regard to lands purchased through this office under date of July 16, 1919, for William Bushyhead, Cherokee Roll No. 17669, you are advised that the restrictive clause in the deed expired at the close of April 26, 1931. Mr. Bushyhead can now dispose of the property without the consent of the Secretary of the Interior.

Respectfully,

Superintendent.

Appendix B.

File Number 275. On December 7, 1931, the Superintendent of the Five Civilized Tribes wrote a letter advising that the restrictions imposed on lands purchased in behalf of Richard W. Batt, Cherokee Roll number M3527, upon a Carney-Lacher form of deed, expired on April 26, 1931, and that such lands could be sold to satisfy a judgment rendered against the Indian.

File Number 282. On January 12, 1932, the Superintendent of the Five Civilized Tribes wrote Arthur Landbricht, Field Clerk, Ardmore, Oklahoma, that the restrictions on lands purchased on a Carney-Lacher form of deed for Irene Shoemaker, *nee* Arkansas, Mississippi Choctaw Roll number 1100, expired on April 26, 1931.

File Number 285. On September 18, 1933, the Superintendent of the Five Civilized Tribes wrote Mrs. Lula Rochester, Milburn, Oklahoma, that lands which were purchased in behalf of her daughter, Lula Brown Rochester, Chickasaw Roll Number 3213, upon a Carney-Lacher form of deed, became unrestricted on April 26, 1931.

[APPENDIX]

Under date of June 15, 1934, the Superintendent wrote the Commissioner of Indian Affairs, in response to an inquiry made by Tom D. McKeown, an Oklahoma Congressman, that the restrictions imposed upon the above lands by the restrictive clause in the deed expired April 26, 1931.

File Number 289. On July 27, 1934, the Superintendent of the Five Civilized Tribes wrote Katie Dorsey Phillips, that the restrictions on property purchased in behalf of her deceased husband, Thomas Phillips, expired at the close of April 26, 1931.

File Number 310. On May 22, 1933, the Superintendent of the Five Civilized Tribes wrote Ross Daniel, United States Field Clerk, Tahlequah, Oklahoma, that the restrictions upon lands purchased on a Carney-Lacher form of deed, in behalf of Charley Bushyhead, Cherokee Roll Number 28516, expired on April 26, 1931.

File Number 332. On April 23, 1932, the Superintendent of the Five Civilized Tribes wrote Runabout Wilson, Cherokee Roll Number 17969, that the restrictions upon lands purchased in his behalf had expired on April 26, 1931, that the department would not continue to pay taxes since the lands were unrestricted.

File Number 343. On April 8, 1932, the Superintendent of the Five Civilized Tribes wrote Annie Cochran, *nee* Carey, Cherokee Roll Number 22028, that the restrictions on property purchased in her behalf had expired on April 26, 1931, and that the department would not continue its practice of paying taxes since the land was unrestricted.

File Number 349. On May 15, 1931, the Superintendent of the Five Civilized Tribes wrote Ollie Anderson, *nee* Beaver, Cherokee Roll Number 31170 that the restrictions on land purchased in her behalf had expired on April 26, 1931, and that she could make such disposition of the land as "you may see fit."

File Number 359. On March 31, 1933, A. G. McMillan, Assistant Superintendent of the Five Civilized Tribes wrote

H. C. Thompson, 304 South Elwood, Tulsa, Oklahoma, that property purchased for Lizzie Messer, *nee* Palone, Cherokee Roll Number 27052, became unrestricted on April 26, 1931. In this letter it is stated: "A deed dated subsequent to April 26, 1931, would be valid in any court."

File Number 405. On July 1, 1935, the Superintendent of the Five Civilized Tribes wrote Carl J. O'Hornett, 740 Kennedy Building, Tulsa, Oklahoma, that lands purchased in behalf of Lessy Yarhola, now Hawkins, became unrestricted on April 26, 1931.

File Number 435. On May 8, 1935, the Superintendent of the Five Civilized Tribes wrote Eli Ketcher, Indian Assistant, Stillwell, Oklahoma, that restrictions on property purchased in behalf of John L. Liver, Cherokee Roll Number 32995, automatically expired on April 26, 1931.

File Number 438. On August 25, 1932, the Superintendent of the Five Civilized Tribes wrote Ross Daniel that lands which were purchased on a Carney Lacher form of deed for Charles Campbell, Cherokee Roll number 3650, became unrestricted on April 26, 1931.

File Number 450. On May 5, 1932, the Superintendent of the Five Civilized Tribes wrote Annie E. Secondine, now Jordon, that the restrictions on property purchased in her behalf were automatically removed on April 26, 1931.

File Number 1088. On November 21, 1935, the Superintendent of the Five Civilized Tribes wrote Mary Mankiller Hughes that the restrictions on property purchased in her behalf expired on April 26, 1931.

File Number 1266. On April 26, 1932, the Superintendent of the Five Civilized Tribes wrote Minnie Tiger, now Bond, that lands which had been purchased in her behalf became unrestricted on April 26, 1931, and that the department would no longer pay the taxes upon the lands.

Appendix C.

Superintendent 1-10-31. Case No. 1352.

Muskogee, Oklahoma, January 10, 1931.

The Honorable,
Commissioner of Indian Affairs.

My dear Mr. Commissioner: I am enclosing herewith, for approval of the Secretary of the Interior, special form warranty deed, dated January 8, 1931, whereby Punskee Field, Creek 4564, of Henryetta, Oklahoma, coveys to his wife, Louisa Field, *nee* Watson, Creek Roll No. 5084, for consideration of $1.00 love and affection, lots 11 and 12, block 43, original townsite of Henryetta, Oklahoma. Located on these lots is a three story brick building occupied by a Hardware Company.

This property was purchased for Punskee Field on Carney-Lacher form of deed in June, 1925. For authority for the purchase see your file L-P FCT 37428-25. The restricting clause in the deed conveying title to Punskee Field will not be effective after April 26, 1931.

We are fearful that after the property becomes unrestricted it might be disposed of to the disadvantage of Punskee Field.

Punskee Field is interested in a Drug Store and an Auto Sales Agency and we believe it would be for his best interest to transfer title of above mentioned property to his wife. Punskee and his wife called at the office on the 8th inst. at which time he expressed a willingness to deed the property to Mrs. Field.

Punskee Field has a cash balance in the office of $270,634.54. He has asked that $100,000.00 of his money be invested in Government Bonds for his two minor children. This will be made the subject of a separate communication.

It is respectfully recommended that the deed herewith be approved.

Respectfully,

Superintendent

Appendix D.

LP-FCT 2179-31 659824-2 G'N. Received Jan. 24, 1931.

Jan. 20, 1931.

The Honorable,
The Secretary of the Interior.

My Dear Mr. Secretary: We are transmitting herewith warranty deed (special form) dated January 8, 1931, wherein Punskee Field, Creek Roll No. 4564, conveys to his wife, Louisa Field, *nee* Watson, Creek Roll No. 5084, for a consideration of $1.00, love and affection, certain property situated in the City of Henryetta, Oklahoma.

This property was purchased for Mr. Field upon a Carney-Lacher form of deed in 1925. The restrictive clause in the deed conveying the property to Mr. Field will not be effective after April 26, 1931.

Mr. Field is desirous of conveying this property to his wife and the Acting Superintendent recommends that the deed be approved. This Office concurs in that recommendation.

Sincerely yours,
C. J. Rhoads, Commissioner.

Deed approved by Jan. 22, 1931.
(Signed) Jos. M. Dixon, First Assistant Secretary and returned to Indian Office.

Inclosure No. 34344. 1 trw 17.

Appendix E.

Superintendent 3-18-31. Transmits deed of Wosey John now Deere in favor of her children, for approval. Inv. Cases Nos. 167-471-1584.

Muskogee, Oklahoma.
March 18, 1931.

The Honorable,
Commissioner of Indian Affairs.

My dear Mr. Commissioner:

There is enclosed deed executed by Wosey John, now

Deere, Creek Roll 9546, conveying to her children, Osharaha John, now Evalin Saber, Jimmie Powesheik and Juanita Deere, the following described property located in Creek County, Oklahoma:

The West Half of the Southwest Quarter of Section 27, Township 18 North, Range 11 East; the West Half of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter and the West Half of the East Half of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 36, Township 18 North, Range 11 East; also the center fifty feet of Lot 6, and the center fifty feet of the South 33.4 feet of Lot 3, all in Block 39 of the original town of Sapulpa, Oklahoma. Consideration $1.00, love and affection.

The above property was purchased for Wosey John, now Deere, through this office on the Carney-Lacher form of deed, and the restrictive clause expires at the close of April 26, 1931.

It is respectfully recommended that the deed herewith be approved. You will note the grantor retains a life estate in all the real estate.

Respectfully,

Superintendent.

Appendix F.

Received Apr 6-1931. No. 1627

The Honorable
The Secretary of the Interior. Mar. 30, 1931.

My dear Mr. Secretary:

We are submitting herewith warranty deed upon special form dated March 4, 1931, executed by Wosey John Deere, a single person, Creek roll No. 9546, conveying to her children, Osharaha John, now Evalin Seber, Jimmie Powesheik and Juanita Deere, certain land situated in Creek County, Oklahoma. The grantor retains all the rents and profits to be derived from the property involved so long as she lives;

hat is, the grantor retains a life estate in all of the real estate described in the deed.

The property involved was purchased for Wosey John Deere through our Agency at Muskogee, Oklahoma, and conveyance was taken to her upon Carney-Lacher form of deed. The restrictive period expires April 26, 1931.

The Superintendent recommends that the deed herewith be approved, and this office concurs in that recommendation.

Sincerely yours,

C. J. Rhoads, Commissioner.

Apr. 3, 1931.

Deed approved by
(Sgd.) Jos. M. Dixon,
First Assistant Secretary, and
returned to the Indian Office.

Inclosure No. 34467.

Appendix G.

35455

United States
Department of the Interior
Washington

Order No. 1918. February 8, 1944.

Title 43—CODE OF FEDERAL REGULATIONS
Subtitle A

Part 3—Testimony of employees and Use of Books, Records and Files in Judicial and Administrative Proceedings.

Pursuant to Section 161 of the Revised Statutes (5 U. S. C., sec. 22), and the Act of August 24, 1912 (37 Stat. 497, ch. 370; 5 U. S. C., sec. 488, 489) the following regulations are hereby prescribed:

3.1. *Applicability.* The regulations in this part shall govern the testimony of employees and the use of books, records, and files of the Department in judicial and administrative proceedings.

3.2. *Employee's testimony subject to bureau head's permission.* Employees of the Department shall not testify in any judicial or administrative proceeding concerning matters related to the business of the Government, or furnish books, records or files of the Department or copies thereof for use in such a proceeding, voluntarily or in response to process, without the written advance permission of the head of the bureau or office concerned. Where time does not permit an employee to obtain written advance permission from the head of the bureau or office concerned and all possible effort to postpone the time fixed for the taking of his testimony has been made without success, the employee may appear, but shall claim a privilege, respectfully refuse to answer questions until the matter can be referred to the head of the bureau or office involved and, if permission to answer be withheld, to the Secretary or Acting Secretary, and exhibit a copy of these regulations in justification of such refusal. A departmental attorney may accompany the employee called upon to testify where permission has been denied or where permission has been granted and the bureau chief deems it desirable.

3.3. *Prejudicial character of evidence determined by Secretary.* Any employee, whose testimony is sought or from whom departmental books, records or files or copies of them are sought to be obtained for use in any proceeding, shall request the written advance permission of the head of the bureau or office concerned to appear and testify or furnish books, records or files or copies of them and as a part of each request shall disclose in so far as possible the nature of the evidence sought. If the head of the bureau or office concerned deems the disclosure of the evidence sought to be prejudicial to the interests of the Government, he shall refer the matter to the Secretary or Acting Secretary, who shall make a written determination that the disclosure of the evidence sought is or is not prejudicial to the interests of the Government and, consistent with such determination, the head of the bureau or office involved shall withhold or give his permission to the employee.

3.4. *Method of refusal to furnish records.* Any employee from whom departmental books, records or files, the disclosure of which has been determined to be prejudicial to the interests of the Government, are sought to be obtained shall respectfully refuse to furnish them or copies of them and exhibit a copy of these regulations and such determination in justification of such refusal.

3.5. *Method of claiming privilege.* Any employee appearing as a witness from whom evidence, the disclosure of which has been determined to be prejudicial to the interests of the Government, is sought to be obtained shall claim a privilege, respectfully refuse to answer and exhibit a copy of these regulations and such determination in justification of such refusal. In the event of unanticipated efforts to obtain evidence on which no prior determination has been had, the disclosure of which would, in the judgment of the employee involved or the departmental attorney accompanying him, be prejudicial to the interests of the Government, the employee shall claim a privilege, respectfully refuse to answer until the matter can be referred to the head of the bureau or office involved and, if permission to answer be withheld, to the Secretary or Acting Secretary, and exhibit a copy of these regulations in justification of such refusal.

3.6. *Revocation and amendments.* (a) Departmental Order No. 1610, dated September 16, 1941, is hereby revoked. (b) Section 2.1 of Part 2 of this subtitle is hereby amended by striking out "The" at the beginning of the section and substituting "Except as provided in Part 3 of this subtitle, the." (c) The present Part 3 of this subtitle, entitled "Preservation of American Antiquities," is hereby designated Part 4.

Issued and effective this 8th day of February, 1944.

Harold L. Ickes,
Secretary of the Interior.

Appendix H.

United States
Department of the Interior
Office of the Secretary
Washington

Air Mail

May 6, 1944.

Mr. A. M. Landman,
Supt., Five Tribes Agency,
Muskogee, Oklahoma.

My Dear Mr. Landman: This will refer to the case entitled Williams v. United States, No. 770, October Term 1943, Supreme Court of the United States.

The Supreme Court on April 24 denied certiorari in this case. 12 Law Week 3346. George H. Jennings, Esq., of Sapulpa, Oklahoma, attorney for the petitioner, was in this office several days ago and stated that he had in mind filing a petition for rehearing in the Supreme Court. He desires permission to examine any records of your agency which may show that restricted funds of individual Indians were used after April 26, 1931, in purchasing lands the title to which was held or claimed under a deed on the Carney-Lacher form citing that restrictions terminated on April 26, 1931.

This letter will authorize Mr. Jennings to examine the records of your Agency regarding this class of purchased lands. It is the intention of this Department to make your records available only for the purpose of obtaining information of the nature set forth above and to permit you to furnish at the usual charge copies of any part of your records relating to cases of this character.

Sincerely yours,

(Signed) Oscar L. Chapman,
Assistant Secretary.

Copy to Indian Office.
George H. Jennings.